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*Via Electronic Filing*

May 28, 2013

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth St., S.W.  
Washington, DC 20554

*Re: Written Ex Parte Submission – MB Docket No. 11-154*

Dear Ms. Dortch:

The Consumer Electronics Association (“CEA”), by the undersigned, hereby responds to certain statements made by Telecommunications for the Deaf and Hard of Hearing, Inc., et al. (“TDI”) in a recent submission, entitled “Report on the State of Closed Captioning of Internet Protocol-Delivered Video Programming” (“TDI Report”),<sup>1</sup> filed in the above-captioned docket on May 16, 2013. The TDI Report was accompanied by a motion for leave to supplement TDI’s petition for reconsideration.<sup>2</sup>

The TDI Report states that “no web browsers on mobile devices such as smartphones or tablets enabled the display of closed captions” and claims that certain websites lacked closed captioning capability when accessed via mobile browsers.<sup>3</sup> However, the TDI Report fails to mention that the compliance deadline for the apparatus closed captioning requirements — January 1, 2014 —

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<sup>1</sup> Telecommunications for the Deaf and Hard of Hearing, Inc., et al. (“TDI”), Report on the State of Closed Captioning of Internet Protocol-Delivered Video Programming, MB Docket No. 11-154, CG Docket No. 05-231 (filed May 16, 2013) (“TDI Report”).

<sup>2</sup> TDI, Motion for Leave to Supplement Petition for Reconsideration, MB Docket No. 11-154 (filed May 16, 2013).

<sup>3</sup> TDI Report at 14.

is still more than seven months away.<sup>4</sup> At present, apparatus manufacturers are continuing their efforts “to design and implement the functionality required by Section 203 of the [Twenty-First Century Communications and Video Accessibility Act of 2010]” and “taking steps to bring closed captioning to consumers as required by [the Commission’s] rules.”<sup>5</sup>

TDI’s failure to even acknowledge the January 1, 2014, compliance deadline for the apparatus closed captioning rules casts serious doubt on the credibility of the TDI Report and certainly does not support a grant of the accompanying motion for leave to supplement. Any claims made in the TDI Report regarding apparatus closed captioning capability are at best premature and should be disregarded.

Pursuant to Section 1.1206 of the Commission’s rules,<sup>6</sup> this letter is being electronically filed with your office. Please let the undersigned know if you have any questions regarding this filing.

Respectfully submitted,

/s/ **Julie M. Kearney**

Julie M. Kearney  
Vice President, Regulatory Affairs

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<sup>4</sup> See 47 C.F.R. §§ 79.103(a)(1), 79.104(a)(1); *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order, 27 FCC Rcd 787, 859 ¶ 122 (2012).

<sup>5</sup> See *id.*

<sup>6</sup> 47 C.F.R. § 1.1206.